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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,276	12/03/2003	Brian Jones	60001.283US01	5987

27488	7590	02/27/2006

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EXAMINER
LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/727,276	JONES ET AL.
	Examiner	Art Unit	
	Matthew J. Ludwig	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/17/05</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed 12/3/03.

2.   Claims 1-19 are pending in the application. Claims 1, 9, and 16, are independent claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers**

("AbiWord's Potential"), hereafter referred to as "Ayers", in view of AbiWord Schema

(www.abisource.com/awml.xsd), hereafter referred to as "AbiWord Schema".

In reference to independent claim 1, Ayers teaches:

A word processor product that reads a word-processor document stored as a *.abw file

which is written in XML. Ayers also discloses performing an action on the word-processor

document, in the form of creating and examining an AbiWord file that recreates the word

processor's set of features. See Ayers, page 3, paragraph 2. Finally, Ayers fails to explicitly state

an XSD or XML Schema definition which represents a word processor's rich formatting, and is

published and available to other application for interpreting/validating the word-processor

document. See AbiWord Schema, pages 1-3. Both a start tag and end tag are disclosed within the

conversion of the word processor document taught by Ayers (compare to "**determining a start**

tag location, determining an end tag location"). AbiWord schema discloses the location of the

published XML Schema at www.w3.org/2000/10/XMLSchema and the XSD for AbiWord,

published at www.abisource.com/awml/xsd (See AbiWord Schema, page 1, line 3, and trailer

line, bottom of page. The claim language included within the independent claim recites the

phrase 'may span other tags while maintaining a well formed ML document'. The Examiner

believes the indefinite language found within the claim would leave one of ordinary skill in the

art without a detailed step. If the claim includes the word _may_, then it merely states that it *may* or

may not span other tags while maintaining a well formed ML document (compare to *"placing a*

start tag at the start tag location and an end tag at the end tag location, wherein the start tag

and the end tag may span other tags while maintaining a well formed ML document"). It

would have been obvious to one of ordinary skill in the art, having the teachings of Ayers and

AbiWord Schema before him at the time the invention was made, to modify the AbiWord

documents taught by Ayers to include the AbiWord XSD of AbiWord Schema because it would

have given the author a proficient means of validating the AbiWord document and defined the

tags within a document.

In reference to dependent claim 2, Ayers teaches:

Ayers also discloses performing an action on the word-processor document, in the form

of creating and examining an AbiWord file that recreates the word processor's set of features.

See Ayers, page 3, paragraph 2. The reference fails to explicitly state the start and end tag

including an identifier that may be used to indicate an association between the start tag and the

end tag; however, the AbiWord reference discloses an XSD for validating an AbiWord

document. (See AbiWord Schema, pages 1-3). The reference provides a means of identifying

tags and validating the document utilizing a rich formatting, including styles, lists, sections, and data types (See AbiWord Schema, page 1, lines 16-19.)

In reference to dependent claim 3, Ayers teaches:

Ayers also discloses performing an action on the word-processor document, in the form of creating and examining an AbiWord file that recreates the word processor's set of features. See Ayers, page 3, paragraph 2. The reference fails to explicitly state the start and end tag including an identifier that may be used to indicate an association between the start tag and the end tag; however, the AbiWord reference discloses an XSD for validating an AbiWord document. (See AbiWord Schema, pages 1-3). The reference provides a means of identifying tags and validating the document utilizing a rich formatting, including styles, lists, sections, and data types (See AbiWord Schema, page 1, lines 16-19.)

In reference to dependent claim 4, Ayers teaches:

AbiWord, a word processor product that reads a word-processor document stored as a *.abw file which is written in XML. See Ayers, page 2, 3rd full paragraph.

In reference to dependent claim 5, Ayers teaches:

A word processor product that reads a word-processor document stored as a *.abw file which is written in XML. See Ayers, page 2, third full paragraph. The AbiWord Schema disclose an example of an empty tag on page 2 which is disclosed as a restriction base at the bottom of the page. As presently claimed, the language fails to preclude the Examiner from utilizing the restriction base as an empty tag.

In reference to dependent claim 6 & 7, Ayers teaches:

A word processor product that reads a word-processor document stored as a *.abw file

which is written in XML. Ayers also discloses performing an action on the word-processor

document, in the form of creating and examining an AbiWord file that recreates the word

processor's set of features. See Ayers, page 3, paragraph 2. Finally, Ayers fails to explicitly state

an XSD or XML Schema definition which represents a word processor's rich formatting, and is

published and available to other application for interpreting/validating the word-processor

document. See AbiWord Schema, pages 1-3. Both a start tag and end tag are disclosed within the

conversion of the word processor document taught by Ayers (compare to "**determining a start**

tag location, determining an end tag location"). AbiWord schema discloses the location of the

published XML Schema at www.w3.org/2000/10/XMLSchema and the XSD for AbiWord,

published at www.abisource.com/awml/xsd (See AbiWord Schema, page 1, line 3, and trailer

line, bottom of page. The reference provides a means of identifying tags and validating the

document utilizing a rich formatting, including styles, lists, sections, and data types (See

AbiWord Schema, page 1, lines 16-19.)

In reference to dependent claim 8, Ayers teaches:

A word processor product that reads a word-processor document stored as a *.abw file

which is written in XML. Ayers also discloses performing an action on the word-processor

document, in the form of creating and examining an AbiWord file that recreates the word

processor's set of features. See Ayers, page 3, paragraph 2. AbiWord Schema provides

annotations within the XSD file and it would have been obvious to provide these features within

the well formed structured document because it would have given the author a proficient means

of properly validating various function found within a word processor document.

In reference to claims 9-15, the claims recite the computer readable medium comprising

instructions for carrying out the document methods as claimed in 1-9. Therefore, the claims are

rejected under similar rationale.

In reference to claims 16-19, the claims recite the system comprising instructions for carrying

out the document features as claimed in 1-9. Therefore, the claims are rejected under similar

rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's
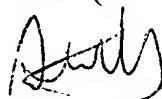
disclosure.

Mulla et al.,   USPN 4,866,777   filed (11/9/84)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127.

The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

ML
February 21, 2006